

REMARKS

Claims 1-4, 6-13, 15-21 and 23-37 are pending.

Applicants acknowledge and appreciate that the Examiner has reopened prosecution and removed the finality of the previous Office Action dated January 24, 2008 and Applicants' amendments filed on June 10, 2008 have been entered.

The above amendment finds support in the specification at least at p. 13, lines 7-10. No new matter has been added by this amendment.

Claim Rejection – 35 U.S.C. §101

The Examiner continues to maintain his rejection of claim 16 under §101, as being directed to non-statutory subject matter. In light of the above amendment, Applicants submit the basis for this rejection has been removed.

Claim Rejection – 35 U.S.C. §102

Claims 1-4, 6-13, 15-21, 23-29 and 31-37 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,193,191 (*McKeeman*). Applicants respectfully traverse this rejection.

Among other things, claims 1, 9, 16, and 17 call for initiating compilation of a file in a processor-based system in advance of a request from a user to compile the file, wherein initiating compilation of the file comprises compiling the file in response to determining that the file has been modified. Claims 1, 9, 16, and 17 are in contrast with *McKeeman* in that modified files in *McKeeman* are processed after the user initiates a request to compile (col. 5, ll. 15-17). The Examiner alleges this limitation is met by *McKeeman* at col. 11, lines 44-61, which teaches reuse of previously compiled code at recompilation time; but this use of previously compiled code is only possible *if the source text has not been changed*. Col. 11, lines 48-49. If the source text *has* been changed, it must be recompiled; this recompilation is therefore initiated after the user requests compilation. Ultimately, *all*

source texts of *McKeeman* are compiled *after* the user requests compilation and *none* are compiled with initiation *before* the user requests compilation. This is in plain contrast to claim 1, which recites initiating compilation in advance of a user request to compile. For at least this reason, claims 1, 9, 16, and 17 and their dependent claims are allowable.

The Examiner improperly characterizes col. 5, lines 21-23 of *McKeeman*. At p. 5 of the Detailed Action, the Examiner says the cited passage of *McKeeman* teaches initiating compilation in response to determining that the file has been modified. This is incorrect. Rather, the cited passage teaches that, after the user initiates compilation (col. 5, lines 15-17), if a source text (module 12) has not been changed, then it is not recompiled.

Among other things, claim 24 calls for initiating processing of at least a portion of the modified source files, *i.e.*, one or more source files that have been modified, before receiving a request to process the modified files. The Examiner asserts that this feature is taught in *McKeeman* at col. 11, ll. 44-61. *See* Detailed Action, p. 10. *McKeeman* fails to teach this feature. The cited passage describes reusing previously gathered information (such as compiled code) at recompilation if the source text has *not* changed. *See McKeeman*, col. 11, ll. 44-61. Thus, this passage describes that, when recompilation is initiated, the compiler will compile only the changed files and will not recompile the unchanged source text, thereby saving unnecessary computation. This passage, however, does not describe initiating processing of one or more of the modified source files before a request to process the one or more source files (*i.e.*, in *McKeeman*'s case, a request to recompile the changed files) is received. The "recompilation" in *McKeeman* involves the reuse of previously compiled code derived from unchanged source text, and compiling only those source files that have been changed. Notably, the changed files in *McKeeman* are processed after the user initiates the request to recompile (col. 5, ll. 15-17). In contrast, claim 24 calls for initiating the processing of modified source files before receiving the request to process the modified source files. For at least this

reason, claim 24 and its dependent claims are allowable.

The Examiner improperly characterizes col. 11, lines 44-61 of *McKeeman*. At p. 10 of the Detailed Action, the Examiner says the cited passage of *McKeeman* teaches initiating processing of at least a portion of modified source files before receiving a request to process the modified files, and then receiving the request to process at least one of the modified files. This is incorrect. Rather, the cited passage teaches that processing of modified source files is initiated at recompilation time, i.e., after a request to process the modified files.

The other independent claims are also allowable for claimed features recited therein.

Turning to at least some of the dependent claims, claims 2-3, 12-13, 18-21, and 32-35 all recite the production of an object code file after compilation is initiated. In contrast, *McKeeman* is directed to generating debugged source code, not object code, and teaches later use of a different compiler to generate object code (col. 5, ll. 48-57).

The other dependent claims are also allowable for claimed features recited therein. For example, claims 29 and 33 recite the use of at least one marker or at least two markers, respectively, in identifying a section of the source file that should be compiled. *McKeeman fails* to teach markers, let alone the use of markers in identifying a section of the source file that should be compiled.

Therefore, Applicants request this rejection of claims 1-4, 6-13, 15-21, 23-29 and 31-37 be withdrawn.

Claim Rejection – 35 U.S.C. §103

The Examiner, again, rejects claim 30 under 35 U.S.C. 103(a) as being unpatentable over *McKeeman* in view of U.S. Patent Publication No. 2005/0108682 (*Piehler*). Applicants respectfully traverse this rejection.

Claim 30 depends indirectly from independent claim 24. Because *McKeeman* doesn't disclose all of the features of claim 24 (for reasons discussed earlier), it likewise fails to teach the features of

dependent claim 30. For at least this reason, claim 30 is allowable.


Arguments with respect to other dependent claims have been noted. However, in view of the aforementioned arguments, these arguments are moot and, therefore, not specifically addressed. To the extent that characterizations of the prior art references or Applicants' claimed subject matter are not specifically addressed, it is to be understood that Applicants do not acquiesce to such characterization.

In view of the foregoing, it is respectfully submitted that all pending claims are in condition for immediate allowance. The Examiner is invited to contact the undersigned attorney at (713) 934-4064 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 62293

Date: February 2, 2009

By: 
Ruben S. Bains, Reg. No. 46,532
10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-4064
(713) 934-7011 (facsimile)
ATTORNEY FOR APPLICANT(S)